

United States District Court

Western DISTRICT OF Texas

6.29.06
Clerk, U. S. District Court
Western District of Texas

By mm
Deputy

UNITED STATES OF AMERICA

V.

Patricia SANCHEZ

CRIMINAL COMPLAINT

CASE NUMBER: 06.3376m

I, the undersigned complainant, being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about **June 28, 2006** in **El Paso County**, in the **Western District of Texas** defendant(s) did, knowingly and intentionally possess with the intent to distribute **Marijuana**, to wit: approximately **162.25 pounds** (gross weight) of **Marijuana**, a Schedule I Controlled Substance; and did knowingly and intentionally import into the United States from the Republic of Mexico, approximately **162.25 pounds** (gross weight) of **Marijuana**, a Schedule I Controlled Substance in violation of **Title 21 United States Code, Section(s) 841(a)(1) and 952(a)**.

I further state that I am an **United States Immigration and Customs Enforcement Special Agent** and that this complaint is based on the following facts:

See Attached Affidavit

Continued on the attached and made a part hereof: X Yes No

Lorena Klaus
Signature of Complainant
Lorena Klauss, Special Agent

Sworn to before me and subscribed in my presence,

June 29, 2006
Date

Richard Mesa, U.S. Magistrate Judge
Name & Title of Judicial Officer

El Paso, Texas
City and State

Richard P. Mesa
Signature of Judicial Officer

AFFIDAVIT

On June 28, 2006, at approximately 5:20 a.m., Patricia SANCHEZ applied for entry into the United States from the Republic of Mexico at the Ysleta Port of Entry, El Paso, Texas. SANCHEZ was the driver and sole occupant of a 1997 Dodge Intrepid bearing Texas registration.

SANCHEZ approached lane number three (3) primary inspection booth. SANCHEZ told United States Customs and Border Protection Officer (CBPO) Sergio Martinez that she was a U.S. citizen and was holding a copy of her certificate of naturalization in her right hand. CBPO Martinez noticed that SANCHEZ' hand was shaking as she was holding up the certificate. When CBPO Martinez asked SANCHEZ what she was bringing back from Mexico, she stated that she was only bringing back a hangover since she had gotten really drunk last night. CBPO Martinez noticed that SANCHEZ appeared very friendly and talkative towards him and she had a fake smile on her face. SANCHEZ stated that the vehicle belonged to her friend and that she had been driving it for the past two weeks. SANCHEZ stated that she had been the only person who had driven the vehicle the past two weeks and that no mechanical work had been done on the vehicle. CBPO Martinez began to inspect the vehicle and noticed that the rear seat appeared to be abnormally bulky. CBPO Martinez asked SANCHEZ to unlock the rear left door of the vehicle so that he could inspect the rear seat. CBPO Martinez stated that he noticed SANCHEZ became very nervous because her hands began shaking and she stated that she did not know how to unlock the rear door. At this time, CBPO Martinez reached inside the vehicle and unlocked the rear door and began inspecting the rear seat. CBPO Martinez noticed that the rear seat felt abnormally hard and when he lifted the rear seat, he felt what appeared to be a cellophane-wrapped bundle. CBPO Martinez then called Canine Enforcement Officer (CEO) Roberto Hernandez so that he could obtain a secondary declaration from SANCHEZ.

SANCHEZ gave a negative declaration to CEO Hernandez. SANCHEZ stated to CEO Hernandez that the vehicle belonged to a friend and that she had been driving it for two weeks. CEO Hernandez also observed that the rear seat was bulky. SANCHEZ was escorted to the CBP office and CEO Hernandez drove the vehicle into the secondary inspection area. CEO Hernandez, along with Narcotics Detector Dog (NDD) Vegas, inspected the vehicle. At that time, "Vegas" alerted positively to the odor of a controlled substance by scratching at the rear seat of the vehicle. CEO Hernandez turned on the vent system in the vehicle and noticed that the vents were not operational. Subsequent inspection of the vehicle revealed bundles concealed in the rear seat, backrest and dashboard. One bundle was probed and a green leafy substance was extracted and field-tested, which yielded a positive result for marijuana. A total of 150 bundles were removed from the vehicle, for a total weight of 162.25 pounds (gross weight) of marijuana.

United States Immigration and Customs Enforcement Senior Special Agent (SSA) Lorena Klauss and SA Mark Dawson arrived at the Ysleta Port of Entry and initiated an investigation. SSA Lorena Klauss read SANCHEZ her Miranda Statement of Rights in

the Spanish language. SANCHEZ acknowledged in writing that she understood her rights and she agreed to make a statement without the presence of an attorney. SSA Lorena Klauss and SA Mark Dawson conducted an interview with SANCHEZ.

SANCHEZ stated that the vehicle belonged to an individual named Pablo Last Name Unknown (LNU). SANCHEZ stated that she was instructed to drive the vehicle to the Diamond Shamrock near the Pep Boys on Americas. SANCHEZ stated that she imagined the vehicle contained drugs, but she did not know what type, how much or where they were concealed. SANCHEZ stated that this is the sixth time that she drives the drug-laden vehicle from Juarez into El Paso. SANCHEZ stated that she crossed the vehicle three times last week and that this was her third time crossing the vehicle this week. SANCHEZ stated that she was going to be paid to cross the vehicle, but that she did not know how much. SANCHEZ stated that she had been given \$20 each time she picked up the vehicle and that she had been paid \$200 last week and \$150 this week.

SANCHEZ stated that Pablo LNU and his wife, Cecilia LNU, always waited for her at the Diamond Shamrock. SANCHEZ stated that when she delivered the drug-laden vehicle, Pablo LNU would drive it to an unknown location and Cecilia LNU would give her a ride back to the bridge. SANCHEZ stated that once she walked over the bridge into Juarez, her husband would meet her at the bridge to take her home.

SANCHEZ provided a written statement about her smuggling attempt.

I make this affidavit on the basis of my personal knowledge, as well as the basis of information furnished to me by other law enforcement officers.

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Lorena Klauss, Case Agent